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Achieving Quality Legal Representation for Children, Families, and the State

The 30th National Juvenile and Family Law Conference of the National Association of Counsel for Children

The NACC was founded in 1977 and held its first national conference that year in our home state of Colorado. We are pleased to be home in Colorado again for conference number 30. This conference is designed primarily for attorneys who practice juvenile (dependency and delinquency) and family law. Most NACC members and training attendees dedicate much of their practices to the representation of children and youth, parents, or the state in juvenile dependency, delinquency, or family law cases. Juvenile and family court judges and magistrates are also active in the NACC. Due to the multidisciplinary nature of this work, professionals from the fields of medicine, mental health, social work, probation, law enforcement, and education belong to the NACC, attend our conferences, and serve as training faculty.

The conference is comprised of General Sessions and Workshops. Workshops are primarily organized along five tracks: 1 Abuse & Neglect; 2 Juvenile Justice; 3 Family Law; 4 Policy Advocacy; and 5 Children’s Law Office Operation. You are free to sign up for and attend sessions in different tracks. NACC conferences are rated highly by participants for content, administration, networking opportunity, and enjoyment. The conference is the product of 30 years of training the country’s attorneys, witnesses, and other court-involved personnel.
LODGING
www.keystoneconferences.com
800-258-0437
Keystone offers a variety of lodging options for all NACC guest tastes and budgets, all at substantially reduced NACC conference rates. Keystone Lodge is a luxury hotel ($129 per night). Keystone Inn is a more modest hotel ($99 per night). Additionally, Conference Village Condominiums are reserved for the NACC as follows: Studio Condo - $119; One Bedroom Condo - $129; and Two Bedroom Condo - $179. All lodging prices are for single or double occupancy. Make reservations by calling 1-800-258-0437 and referencing the NACC Conference Code # CK2NACC. The CUTOFF DATE FOR DISCOUNTED LODGING RESERVATIONS IS JULY 13. The Keystone Reservation Agent will help you decide which type of lodging is best for you. The Keystone Reservation Agent is also a one-stop shopping service so feel free to ask for help with lodging, recreation, airline booking, airport shuttle service, and car rental.

AIRLINE TRAVEL
www.flydenver.com
Keystone is approximately 90 minutes from Denver International Airport (DIA) via I-70 West. DIA is a major national airline hub with nonstop flights from almost anywhere. United Airlines is DIA’s major carrier but all major airlines offer service to/from DIA. You may also want to contact discount carriers Southwest Airlines and Denver’s own Frontier Airlines. The Keystone Reservation Agent can also help you with airline reservations at 800-258-0437.

AIRPORT SHUTTLE SERVICE
www.cmex.com | 800-525-6363
Car rental is available at DIA. If you prefer to leave the driving to the experts, Colorado Mountain Express (CME) provides convenient door-to-door shuttle service from DIA to Keystone Resort. CME will schedule a pickup time at DIA based upon your arrival at the airport. Passengers are picked up just outside of baggage claim. The shuttle trip to Keystone takes approximately 90 minutes. Guests will be taken directly to the hotel or condo check-in desk and then to their assigned lodging location. All shuttles leave approximately every 90 minutes. Discounts are available for parties of 3 or more traveling under the same reservation.

ANNUAL LUNCHEON BANQUET
Friday, Aug 17
The Annual Banquet is included in your registration but you must indicate your attendance on the registration form. This is the NACC’s annual lunch banquet honoring the NACC 2007 Outstanding Legal Advocate, Law Student Essay Winner, and newly Certified Child Welfare Law Specialists. This year’s luncheon speaker will be Dr. Richard Krugman, Dean of the University of Colorado School of Medicine, and one of the pioneers in the field of child maltreatment. The annual lunch banquet is an important NACC event and we encourage all attendees to sign up. Limited space is available for your non-conference attendee guests at $40 per person.
Pre-Conference

Wed Aug 15
9:00 am–4:00 pm
› The NACC Red Book Training

Conference

Day 1 Wed Aug 15
2:00–5:00 pm
› Conference Registration and Exhibits

5:00–6:00 pm
› Reception

6:00–6:15 pm
› Welcome to the Conference

6:15–6:30 pm
› Welcome to Colorado

6:30–7:30 pm
› Keynote Address
   Learning How to Listen to Children: Developmental Psychology and the Law

7:30 pm
› Adjourn; Dinner on Your Own

Day 2 Thurs Aug 16
7:30 am
› Conference Registration

8:00–9:00 am
› New Member / Attendee Orientation Session

8:30–9:00 am
› Continental Breakfast

9:00–9:15 am
› Opening Comments

9:15–10:15 am
› General Session 1
   Achieving Better Outcomes Through Youth Participation: Kids in Court and Other Youth Empowerment Strategies

10:15–10:45 am
› Coffee Break / Exhibits

10:45–12:00 pm
› General Session 2
   Psychological Evaluation in Juvenile and Family Cases: Essentials of Mental Health Assessment

12 Noon–1:30 pm
› Optional Luncheon

7:15 am
› Morning Exercise: Self Defense Workout with John Myers

8:30–9:00 am
› Continental Breakfast

9:00–11:00 am
› Concurrent Session C
1 ABUSE & NEGLECT
   Trial Skills Session: Essentials of Witness Examination

Day 3 Fri Aug 17
11:00–11:30 am
› Coffee Break / Exhibitors

11:30–1:30 pm
› Conference Lunch Banquet

1:30–3:00 pm
› Concurrent Session D
1 ABUSE & NEGLECT
   Pediatric Medicine: What Every Lawyer Needs to Know

3 JUVENILE JUSTICE AND ABUSE & NEGLECT
   The Crossover Child Client

Thursday Evening
› Offsite Activity: Wagon Ride and Dinner

Day 3 Fri Aug 17
7:15 am
› Morning Exercise: Self Defense Workout with John Myers

8:30–9:00 am
› Continental Breakfast

9:00–11:00 am
› Concurrent Session C
1 ABUSE & NEGLECT
   Trial Skills Session: Essentials of Witness Examination

3 JUVENILE JUSTICE
   Litigating Racism and Classism

4 POLICY ADVOCACY
   Pathways to College Success for Foster Youth Through Self-Advocacy

5 LAW OFFICE
   Children’s Law Office Operation: A CEO Workshop

THE GUARDIAN
Day 4 Sat Aug 18

8:15–9:00 am
NACC Affiliate Development: Creating and Running a NACC Affiliate

8:30–9:00 am
Continental Breakfast

9:00–10:00 am
Concurrent Session F

1 ABUSE & NEGLECT
Contempt: The Untapped Power of the Court

2 ABUSE & NEGLECT*
Serving as Agency Counsel: Role, Duties, and Working With Caseworkers

3 FAMILY LAW
Understanding and Assisting Children of High Conflict Divorce

4 POLICY ADVOCACY
Making an Impact: How Direct Service Providers and Class Action Litigators Can Work Together to Improve the System

10:15–11:15 am
Concurrent Session G

1 ABUSE & NEGLECT
Prenatal Alcohol Exposure and Traumatic Stress

2 JUVENILE JUSTICE
The Law of Juvenile Confessions

3 ABUSE & NEGLECT
When a Parent Has a Disability: Effective Strategies to Protect the Rights of Parents and Children

4 POLICY ADVOCACY
Using Legislative Advocacy to Control Caseloads and Promote Effective Representation of Children

11:30–1:30 pm
Closing Session (Lunch Provided)

"You Can't Believe Her, She's Just a Kid" and NACC 2007 Juvenile Law Roundup

1:30–2:00 pm
2008 Conference Announcement

Door prizes, including an all expense paid trip to the 2008 NACC 31st Annual Conference (must be present to win)

Closing Remarks

2:00 pm
Adjourn

Saturday Evening

Fireworks

5:15–6:00 pm
Films

REGISTRATION

The NACC 30th National Juvenile and Family Law Conference

Wednesday, August 15 – Saturday, August 18, 2007

NAME (MR / MS) __________________________

COMPANY / FIRM / AGENCY __________________________

ADDRESS __________________________________________

CITY __________________________ STATE ___________ ZIP ___________

TELEPHONE __________________________ FAX __________________________

E-MAIL ADDRESS __________________________

DEGREE / OCCUPATION __________________________

BAR MEMBER NUMBER __________________________ STATE __________________

ETHNICITY (OPTIONAL) __________________________________________

NUMBER OF YEARS IN JUVENILE / FAMILY LAW _________

BAR MEMBER NUMBER __________________________________________

STATE __________________________

CITY _________________________________________________

STATE __________________________

ZIP __________________________

E-MAIL ADDRESS ______________________________________________________________________________

ADDRESS ______________________________________________________________________________________

COMPANY / FIRM / AGENCY ______________________________________________________________________

The Next 30 Years of Child Advocacy

Pre-Conference | Wed Aug 15 The NACC Red Book Training
☐ Yes, I will attend. $ 200 .......................................................... $ _______

Conference Registration Fee .......................................................... $ _______

Luncheon | Thurs Aug 16 The Next 30 Years of Child Advocacy
____ person(s) @ $29 per person ..................................................................... $ _______

Offsite Activity | Thurs Evening Aug 16 Wagon Ride & Dinner
____ adult(s) @ $66 per person ..................................................................... $ _______
____ children 4–12 @ $45 per person ..................................................................... $ _______
____ children under 4 @ $18 per person ..................................................................... $ _______

Annual Luncheon Banquet | Fri Aug 17
☐ Yes, I will attend (included in registration fee) ................................................. $ 0.00
☐ I will bring ____ guest(s) @ $40 per person ....................................................... $ _______

Closing Session (Lunch Provided) | Sat Aug 18
☐ Yes, I will attend (included in registration fee) ................................................. $ 0.00

TOTAL AMOUNT ENCLOSED OR TO BE CHARGED ........................................ $ _______

Please charge my □ VISA □ MASTERCARD __________________________

CARD # __________________________

EXPIRATION DATE __________________________

NAME AS SHOWN ON CARD __________________________

SIGNATURE __________________________

BILLING ADDRESS (IF DIFFERENT THAN ABOVE) __________________________________________

EXPIRATION DATE __________________________

NAME AS SHOWN ON CARD __________________________

SIGNATURE __________________________

Space at this conference is limited. Registrations will be filled based on date applications are received. If you will require handicap access to facilities or special assistance at the program, please contact the NACC as soon as possible.
The Guardian

Election of NACC Officers

NACC By-Laws provide that the Officers of the NACC shall be selected from the NACC Board of Directors, nominated by the NACC Board of Directors, and elected by the NACC membership. The Officers form the NACC Executive Committee comprised of a Board Chair, Vice Chair, Treasurer, Secretary, and Past Chair. The NACC CEO serves as an ex-officio member of the Executive Committee. The Officers perform the usual duties of Non-Profit Volunteer Board Officers including conducting the business of the Board between Board Meetings. The NACC Board of Directors has nominated the following slate of candidates for NACC Officer positions for the term 2007 / 2008 based on their expertise, commitment to the NACC, and leadership on the NACC Board. All NACC members in good standing are encouraged to cast their votes by checking the “for or against” box below and returning this form to NACC by mail or fax by July 16, 2006.

John Stuemky, MD - Chair
Dr. Stuemky, Associate Professor of Pediatrics, University of Oklahoma, College of Medicine, and Chief of the Section of General Pediatrics and Pediatric Emergency Medicine at Children’s Hospital at OU Medical Center, has been involved in the diagnosis and care of abused and neglected children since 1975. He was one of the founders of the Child Protection Team at Children’s Hospital which evaluates approximately 1,000 children a year for abuse and neglect. He has testified in many cases of abuse and neglect, in both federal and state courts and has served on the Oklahoma Child Death Review Board since its inception in 1992. He is active and has served on many regional and statewide task forces and committees relating to child abuse and neglect. He has been one of the two co-directors of the statewide Child Abuse Medical Examiner Program that started in 1990. As Medical Director of the Emergency Department at Children’s Hospital and principal investigator of the Emergency Medical Services for Children (EMS-C) Program for the State of Oklahoma, he has been instrumental in developing death scene investigation for child deaths, incorporated into the State EMT Training Program. Dr. Stuemky has been a board member of the NACC since 1996 and has been a member of the NACC since 1979. He is the current Board Vice Chair.

Robert Fellmeth, JD - Vice Chair
Mr. Fellmeth is the Executive Director of Children’s Advocacy Institute in California, an academic center and statewide law firm which advocates for children in the courts, legislature and agencies. Professor Fellmeth holds the Price Chair in Public Interest Law at the University of San Diego School of Law, teaches Child Rights and Remedies, directs a dependency court clinic representing abused children, and writes the annual California Children’s Budget. His organization also publishes a Children’s Regulatory Law Reporter (monitoring agencies), a legislative report card, and impact litigation projects. An original “Nader Raider,” Professor Fellmeth has served as a state and federal prosecutor and has devoted his career to public interest and child advocacy. He has written 14 books and treatises and numerous academic articles and opinion pieces in the major press. He serves on the Board of several organizations including the Public Citizen Foundation in Washington D.C. He is the current NACC Secretary.

Janet Sherwood, JD / CWLS - Treasurer
Janet Sherwood is an attorney in private practice in the San Francisco Bay Area. She limits her practice to juvenile dependency, adoption, and related child custody issues. Ms. Sherwood is an NACC certified child welfare law specialist (CWLS) through the NACC and California State Bar Board of Legal Specialization and a certified appellate specialist through the California State Bar Board of Legal Specialization. She regularly sits as a judge pro tem in dependency courts in San Francisco and Alameda Counties. Ms. Sherwood is a consultant, trainer, and frequent speaker throughout the State of California on juvenile dependency issues. Ms. Sherwood serves on the Boards of Directors of the NACC, the Northern California Association of Counsel for Children, and is the President of the Board of Advokids in Corte Madera, California. She is the author of California Juvenile Dependency Case Law Updates, 1991-2006, a compendium of California appellate decisions on juvenile dependency law and is the Editor of the Dependency News, the quarterly newsletter of NACC’s Northern California affiliate. She is also the author of a chapter on representing children in California Juvenile Dependency Practice, a treatise published in 2002.

Gerard Glynn, JD / LLM - Secretary
Gerry Glynn has represented children for fifteen years while teaching law students about child advocacy in law school clinical programs. Mr. Glynn is an associate Professor at Barry University School of Law, formerly Director of Clinical Programs at University of Arkansas at Little Rock and Clinical Instructor at Florida State University School of Law Children’s Advocacy Center. Mr. Glynn took an eighteen month leave of absence from his position as Professor at Barry in 2003-2004 to be the founding Executive Director of Florida’s Children First, a statewide child advocacy organization. He serves on numerous bar committees including the Board of NACC, ABA Juvenile Justice Committee, Florida Bar Standing Committee on the Legal Needs of Children, Florida Bar Juvenile Rules Committee and the Executive Council of the Florida Bar Public Interest Law Section. Mr. Glynn received his law degree and his Masters in Justice from American University, Washington College of Law and his LLM, Masters in Legal Advocacy from Georgetown University. He is admitted to practice law in Florida, District of Columbia, Maryland and Arkansas.

BALLOT
Please copy or cut out, complete and return via fax (303-864-5351) or mail to NACC Elections, 1825 Marion Street, Suite 242, Denver, CO 80218. Ballot must be received by 5pm MST, July 16, 2007.

Candidates for NACC Officers

FOR AGAINST

John Stuemky, MD
- Chair - -

Robert Fellmeth, JD
- Vice Chair - -

Janet Sherwood, JD / CWLS
- Treasurer - -

Gerard Glynn, JD / LLM
- Secretary - -
**IDEA / Parental Rights**


Under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400, all children have the right to a “free, appropriate public education.” The IDEA requires all school districts that accept federal funds to create an individualized education plan (IEP) for every child with a disability. The United States Supreme Court considered whether parents of children with disabilities must have representation in court to challenge a public school district’s IEP for their child.

Mr. and Mrs. Winkelman’s son Jacob has autism spectrum disorder. When Jacob was six years old and entering school, the Parma City School District proposed an IEP for Jacob, placing him at a public elementary school. The Winkelmans felt this IEP was deficient under the IDEA, so they sought administrative review. After losing their administrative appeals, the Winkelmans filed a complaint in U.S. District Court on behalf of Jacob and on their own behalf.

The district court found for the school district, and the Winkelmans appealed again, without counsel. The Sixth Circuit Court of Appeals, relying on its decision in *Cavanaugh v. Cardinal Local School Dist.*, 409 F.3d 753 (2005), threatened to dismiss the appeal unless the Winkelmans obtained counsel to represent Jacob. In *Cavanaugh*, the Sixth Circuit held that parents may not bring claims as representatives of their children due to the common law rule precluding nonlawyer parents from representing minor children. The court in *Cavanaugh* also determined that children alone hold the right to a free, appropriate public education. Therefore, parents bringing suit under the IDEA can not appear on their own behalf. This is the position adopted by most federal appeals courts. However, the First Circuit Court of Appeals has held that the IDEA grants parents the right to assert IDEA claims on their own behalf, under a theory of “statutory joint rights.”

The Winkelmans appealed to the U.S. Supreme Court, which granted certiorari. The Winkelmans asserted that parents are not mere guardians of their children’s rights under the IDEA. Rather, parents are “real parties in interest to IDEA actions.” Based on this position, the Winkelmans would be permitted to represent themselves in court, without the assistance of counsel. In contrast, the respondent school district argued that the IDEA provides redressable rights only to children and does not accord parents freestanding or independently enforceable rights.

The Supreme Court began by reviewing the IDEA. The Court examined the procedural provisions regarding a child’s IEP and noted that the IDEA provides parents with many procedural safeguards. For example, parents’ concerns must be considered when creating or revising the IEP, and parents have the right to review all relevant records. The IDEA also includes mechanisms for administrative review, including a parent’s right to file a complaint, to a preliminary meeting, and to a due process hearing. The Court determined that it would be inconsistent with the statutory scheme to allow parents enforceable rights at the administrative stage but to bar them from continuing to assert their rights in federal court. The Court also discussed IDEA provisions which require a state agency to reimburse parents for attorney fees and the cost of private school in certain situations.

Finally, the Court noted the Act’s goals which include (1) ensuring all children with disabilities have available to them a free appropriate public education, and (2) ensuring that the rights of children with disabilities and parents of such children are protected. The IDEA further states that, “the education of children with disabilities can be made more effective by … strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home.”

Based on this review, the Court concluded that that the relationship between a parent and child sufficiently upholds a legally cognizable interest in the education of one’s child. Parents enjoy independent, enforceable rights under the IDEA and may bring related claims on their own behalf. Therefore, the judgment of the Court of Appeals was reversed.

**Juvenile Justice / Sentencing**

*Colorado Supreme Court Holds That The Colorado Direct File Statute Is Constitutional Because The District Court Retains Discretion To Sentence Juveniles Found Guilty Of Unenumerated Charges As Either Adults Or Juveniles. Flakes v. People, 154 P.3d 427 (Colo. 2007)*

Under the Colorado direct file statute, §19-2-517 C.R.S., a prosecutor may charge a juvenile as an adult directly in district court when filing specific, enumerated charges. The issue before the Colorado Supreme Court was whether a district court may impose an adult sentence on a juvenile where the juvenile was acquitted of the
enumerated charges, but convicted of unenumerated offenses.

When Gary Flakes was sixteen years old, he was with a friend who shot and killed two boys after threatening them with a shotgun. Flakes’ friend then returned to his car, where Flakes was sitting, and drove away. Flakes was charged with two counts of first-degree murder and two counts of accessory to murder after the fact. Although Flakes was a juvenile, the District Attorney utilized Colorado’s direct file statute and charged Flakes as an adult in district court. The jury convicted Flakes of one count of criminally negligent homicide and two counts of accessory to murder after the fact, charges that are not enumerated in the direct file statute. The jury found Flakes not guilty of first-degree murder — the specific, enumerated charge. The district court then imposed an adult sentence on Flakes. Flakes challenged his conviction, arguing that the direct file statute violates the constitutional doctrines of equal protection, due process, uniformity of the laws, and separation of powers.

Direct filing exposes some juveniles to adult criminal prosecution and sentencing based on their age and the nature of the allegations. The statute enumerates the charges that a prosecutor may file directly in district court. The direct file statute is not available for other unenumerated offenses, such as accessory to murder. However, because the district court has ancillary jurisdiction over unenumerated offenses arising out of the same act as an enumerated offense, direct filing of unenumerated offenses is possible in certain cases.

The parties in Flakes’ case agreed that the district court had jurisdiction over the accessory to murder charges because they were filed along with the first-degree murder charges. The contested issue was what sentence the district court could impose, considering Flakes was found guilty of the unenumerated charges only. Flakes argued the direct file statute was unconstitutional because it required an adult sentence for unenumerated charges, even when the juvenile is not convicted of the underlying enumerated offense.

The Colorado Supreme Court held that the direct file statute allows the district court discretion in sentencing juveniles who are found guilty of unenumerated charges. Based on the language of the statute, the Court concluded that unenumerated offenses are not swept into the same category as enumerated offenses for sentencing purposes. The Court stated that while mandatory adult sentencing is limited to the enumerated offenses in the direct file statute, the statute does not provide for mandatory juvenile sentencing for unenumerated offenses. Thus, when sentencing for unenumerated offenses, the court has discretion to choose either an adult or juvenile sentence. The Court further noted that because the district court has authority over both criminal and juvenile matters, it has discretion to sentence for unenumerated offenses under either the Children’s Code or the adult criminal sentencing statutes.

The majority of Flakes’ constitutional arguments rested on the claim that the direct file statute mandates an adult sentence for unenumerated offenses. Because the Court interpreted the statute to allow a district court discretion in choosing a sentence, these claims failed. Thus, the Court concluded that the direct file statute is constitutional.

Finally, the Court held that a district court must make findings when exercising its sentencing discretion. Findings should include the interests of the juvenile and the community in imposing the different sentences, the nature and seriousness of the offense, age and maturity of the juvenile, any criminal or delinquent history, and the impact of the offense on the victim and community. Because the district court in Flakes’ case failed to make such findings, the case was remanded to the district court for a new sentencing hearing.

**Dependency/Confidentiality**

*Supreme Court of West Virginia Holds That Guardian Ad Litem Does Not Owe an Absolute Duty Of Confidentiality to the Child Client.*

In re Christina W., 639 S.E.2d 770 (W. Va. 2006)

The Supreme Court of West Virginia held that an attorney guardian *ad litem* does not owe an absolute duty of confidentiality to the child she is representing in an abuse and neglect case. Therefore, a guardian *ad litem* is not prohibited from disclosing to the court revelations from the child regarding abuse, even when the child wishes such statements to remain confidential.

Christina was removed from her home following a domestic violence incident and an allegation that she had been sexually abused. Christina told a police officer that her mother’s boyfriend had been touching her inappropriately, but she later recanted the statements. When the appointed guardian *ad litem* met with Christina, she questioned Christina regarding the allegations of sexual abuse. At that time, Christina sought assurance that their communications would be kept confidential. Christina then told her guardian *ad litem* that her mother’s boyfriend had touched her inappropriately. She also stated that she was “okay,” expressed her desire to return home, and stated she would not testify about the touching.

After Christina was adjudicated neglected, a permanency goal of reunification was ordered. Christina later told her caseworker and foster care worker about the sexual abuse. She also told them that she had disclosed the touching to her guardian *ad litem* a few months earlier. The child welfare agency subsequently petitioned the court to remove the guardian *ad litem* from the case due to conflict. The circuit court denied the agency’s motion, finding that the attorney / client privilege applied to a child’s relationship with her guardian *ad litem*.

Christina’s guardian *ad litem* claimed that the Rules of Professional Conduct compelled her to keep Christina’s disclosures confidential. She began by highlighting Rule 1.6(a), which prohibits lawyers from revealing information relating to client representation unless the client consents after consultation. The guardian *ad litem* stressed that the guarantee of this confidentiality was critical in obtaining open communication with Christina.

The Supreme Court of West Virginia first reviewed West Virginia’s definition...
of a guardian ad litem, stressing that “the role of guardian ad litem is much the same as that of a lawyer representing a client.” The Court therefore determined that the Rules of Professional Conduct generally apply to a guardian ad litem’s representation of a child in abuse and neglect proceedings because a significant portion of a guardian ad litem’s representation involves duties that are performed by a lawyer on behalf of a client. However, the Court held that the duty of confidentiality is not absolute due to the complex nature of abuse and neglect proceedings and the guardian ad litem’s primary duty to protect the best interests of the child. The Court emphasized that guardians ad litem serve the dual role of advocating for the child and representing the child’s best interests.

Christina’s guardian ad litem also relied upon Rule 1.14 of the Rules of Professional Conduct. Rule 1.14 discusses a lawyer’s responsibility to clients under a disability, such as age. The rule states that a lawyer is required to “maintain a normal client-lawyer relationship” with child clients. However, the Court noted that this duty applies only when “reasonably possible.” In addition, a comment to Rule 1.14 establishes that while a child’s opinion is entitled to weight in legal proceedings, there is no requirement that the child’s wishes govern.

The Court concluded that although a child’s opinion should be considered, a guardian ad litem’s ultimate duty remains that of protecting the child’s best interests. The Court further explained that when weighing a child’s desire for confidentiality against the child’s best interests, the guardian ad litem must balance the child’s desire for confidentiality against the guardian ad litem’s duty to conduct a full and independent investigation and make recommendations to the court. Therefore, if honoring a guardian ad litem’s duty of confidentiality exposes the child to a high risk of probable harm, the guardian ad litem must disclose the information to the court to safeguard the best interests of the child.

The Court held that by keeping the information regarding sexual abuse confidential, Christina’s guardian ad litem failed to protect Christina’s best interests. However, the Court held it was not necessary to remove Christina’s guardian ad litem from the case at this stage because the agency had already revealed the allegations of abuse to the court.

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**NACC – Publications**

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Dependency / Mental Health Services

U.S. Court of Appeals for the Ninth Circuit Reverses Injunction Ordering the State Of California To Provide Necessary Mental Health Services To Foster Children And Remands To Lower Court For Additional Findings On Required Services. Katie A. v. Los Angeles County, 481 F.3d 1150 (9th Cir. 2007)

District Court decision reported in the Fall 2006 issue of The Guardian.

The U.S. Court of Appeals for the Ninth Circuit reversed an injunction requiring the State of California to provide necessary mental health services, including wraparound and therapeutic foster care (TFC) to foster children. The Ninth Circuit confirmed that California must provide necessary medical services to foster children and agreed that failure to provide such services places foster children at risk. However, the Court disagreed that the required services must include wraparound and TFC.

The decision came as part of the Katie A. v. Bonta case, which began in 2002 when Plaintiffs, five children with unmet mental health needs, filed a class action lawsuit on behalf of similarly situated children currently in foster care or at risk of being placed in care. Under the Medicaid Act, participating states must provide “early and periodic screening, diagnostic, and treatment [EPSDT] services ... for individuals who are eligible under the plan and under the age of 21.” In California, foster children are entitled to obtain these services through the state’s Medi-Cal program. In 2005, Plaintiffs filed a motion asking for a preliminary injunction requiring California to provide wraparound services and TFC to all members of the class. Wraparound services are individualized, community-based, collaborative programs designed to help children with mental health issues who are in danger of being placed in foster care. TFC is a separate program for youth with severe mental health problems who cannot remain in their homes but would benefit from a home-like environment. The Plaintiffs claimed that under the Medicaid Act, all foster children who have “behavioral, emotional, or psychiatric impairments” have a right to wraparound services and/or TFC when medically necessary, and that these services were not provided under the state’s Medi-Cal program.

The Defendants, California Department of Health Services (DHS) and the California Department of Social Services (DSS) claimed that all required services were already being provided through the state’s Medi-Cal program. They further argued that the Medicaid Act applies only to “services,” and that wraparound and TFC are not services, but instead “approaches” regarding the delivery of medical care. The district court disagreed and held that wraparound and TFC should be considered “services.” In addition, the district court held that although not explicitly listed in the Medicaid Act, each component of wraparound and TFC likely fell under one of the 28 enumerated categories, and as a result, wraparound and TFC were themselves covered under the statute. The court issued an injunction ordering the state to provide wraparound and TFC to the Plaintiffs, and the Defendants appealed.

The Ninth Circuit held that the district court had misinterpreted the Medicaid Act by “mistakenly assum[ing]” that all the components of wraparound and TFC fall within the categories listed in [the EPSDT provisions of the Medicaid Act] and that wraparound and TFC can be deemed health care services in themselves, then the package of components must be offered in the form of wraparound or TFC. The Court stated that under the EPSDT provisions, states are required to cover medically necessary services for foster children. In addition, states must make certain that the services provided are “reasonably effective.” However, the state maintains discretion to “design and administer their Medicaid systems as they wish.” Therefore, according to the Ninth Circuit, if the state provides all required services in an effective manner, there is no further mandate that the services must be delivered in a “bundled” package such as wraparound or TFC. The Court pointed out that evidence was offered to show that the California Medi-Cal program was currently covering some components of wraparound and TFC. Thus, the district court should have inquired whether all necessary component services were already being provided.

On remand, the Ninth Circuit directed the district court to first determine whether California was meeting its obligation under the EPSDT provisions of the Medicaid Act. The second step is to determine whether the required services are being offered effectively. If it is found on remand that the state is failing to provide the individual services in an effective manner, the district court should determine whether requiring the state to fund the individual components as a bundled package is the necessary remedy. The Ninth Circuit concluded, “the [district] court should have applied a legal rule that would allow the State to exercise its discretion as to how to meet its EPSDT obligation effectively to provide all the component services.”

Dependency / Termination of Parental Rights


The District of Columbia Court of Appeals considered whether a court may terminate parental rights without hearing testimony from the children regarding what they believe to be in their best interests.

E.J. and his two younger siblings were removed from their home when their mother’s crack cocaine abuse prevented her from providing proper parental care and supervision. The Child and Family Services Agency tried to reunite the family for almost seven years, but ultimately concluded that terminating parental rights was in the children’s best interest due to the mother’s limited visits with the children, her failure to consistently attend drug abuse treatment, and her continued contact with an abusive partner. In granting the TPR, the trial court noted that the younger two children (ages 9 and 8) had not expressed an opinion on their best interests or demonstrated a desire for a closer relationship with their mother. The trial court acknowl-
ed E.J. (age 12) had expressed interest in reuniting with his mother, but determined that returning home was not in his best interests because of his mother's continued problems with drug abuse and domestic violence. The trial court granted termination and the mother appealed.

The law in the District of Columbia requires courts to consider, to the extent feasible, a child's opinion about his own best interests. Mother challenged the termination, in part because the trial court failed to hear direct testimony from her son, E.J., about what he believed was in his best interests. Mother asserted that testimony from E.J. would have reinforced his therapist's view that reunification was a feasible goal for E.J. In addition, mother believed E.J.'s testimony would have countered other expert testimony that indicated E.J.'s desire for reunification was based on unrealistic expectations of mother's ability to parent.

The District of Columbia Court of Appeals first acknowledged that it is preferable for judges to hear directly from children as to their opinion regarding their best interests. The Court made clear, however, that the statute does not require a judge to derive a child's opinion from questioning of the child himself. Thus, there was no per se duty to ascertain E.J.'s opinion through hearing from E.J. directly. The Court highlighted a previous case, In re T.W., 623 A.2d 116 (D.C. 1993), in which it found that the most probative evidence of a child's opinion often lies “in statements the child has made to others such as psychologists, or in the child's past behavior, rather than in testimony given in the formal surroundings of a court proceeding.”

The Court of Appeals noted that in reaching their decision, the trial court had considered E.J.'s hope of a happy home life with his mother and his desire for reunification. The trial court also considered the social worker's testimony that E.J.'s interest in reunification was secondary to his interest in remaining with his foster mom, as well as the guardian ad litem's belief that E.J.'s fascination with his mother was unrealistic and unhealthy. Therefore, the Court concluded that termination of parental rights was appropriate, despite the failure of the trial court to hear from E.J. directly.

**School Liability / Harassment**

*New Jersey Supreme Court Holds That School District Can Be Held Liable Under New Jersey Statute For Student-On-Student Harassment When School District Knew Or Should Have Known Of The Harassment And Failed To Take Action Reasonably Calculated To End The Harassment.*

Plaintiff, L.W., first began suffering harassment at school in the 4th grade. Classmates often taunted L.W. with homosexual epithets such as “homo” or “gay.” Elementary school officials were notified, but the harassment continued.

In 1998, when L.W. entered middle school, the bullying became more frequent and severe. Verbal taunting escalated to physical aggression, and at least eight separate incidents were reported to school officials during L.W.'s 7th grade year. Throughout L.W.'s time in middle school, a non-discrimination policy was in place, which the school district described as a “zero tolerance policy.” When L.W. started high school, the verbal attacks continued, and he was physically attacked on two separate occasions. Both attacks and the long history of harassment were reported to high school officials. L.W. eventually withdrew from high school, and began attending school outside the District, for the first time in his educational career.

On her son's behalf, L.W.'s mother filed suit with the Division of Civil Rights under the New Jersey Law Against Discrimination (LAD). The suit claimed that “L.W. was repeatedly subjected to harassment by his peers due to his perceived sexual orientation,” and “the District's failure to take corrective action violated the LAD.” The suit was referred to an Administrative Law Judge (ALJ) who concluded that no cause of action existed against the school district under the LAD. The Director of the Division on Civil Rights disagreed and held that the District was liable under the LAD. The Appellate Division affirmed, and this appeal followed.

The New Jersey Supreme Court first addressed “whether the LAD recognizes a cause of action against a school district for student-on-student harassment based on perceived sexual orientation.” According to the statute, it is unlawful “for any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities, or privileges thereof … on the basis of that person’s affectional or sexual orientation.” In addition, the LAD's definition of “place of public accommodation” expressly includes primary, secondary, and high schools. The Court concluded that a school district's failure to reasonably and effectively deal with student harassment effectively denies the harassed student the school's “accommodations, advantages, facilities, or privileges,” and thus found a cognizable cause of action under the LAD.

In recognizing a cause of action, the Court was clear to distinguish isolated taunting from actionable harassment.

In order to state a claim under the LAD in an educational setting, “an aggrieved student must allege discriminatory conduct [1] that would not have occurred ‘but for’ the student's protected characteristic; [2] that a reasonable student of the same age, maturity level, and protected characteristic would consider sufficiently severe or pervasive enough to create an intimidating, hostile, or offensive school environment; and [3] that the school district failed to reasonably address such conduct.”

The Court next addressed the standard of liability to be applied to the school district's response to the harassment. L.W. argued that the correct standard of liability was the same standard used in hostile work environment cases. This standard holds employers liable in three situations, including “when the employer has actual or constructive knowledge of the harassment and fails to take effective measures to end the discrimination.” The standard further states that “effective remedial
measures are those reasonably calculated to end the harassment.”

In contrast, the District argued that the correct standard of liability was the “deliberate indifference” standard applied in Title IX actions. Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., prohibits sex discrimination by educational programs receiving federal funding. However, under Title IX, an action for damages exists “only where the funding recipient [school] acts with deliberate indifference to known acts of harassment in its programs or activities…”

In rejecting the Title IX standard, the Court noted that the scope of the LAD is much broader than the scope of Title IX. While Title IX prohibits discrimination based only on sex, the LAD covers a variety of protected characteristics including sexual orientation. In addition, Title IX only prohibits discrimination by recipients of federal education funding, while the LAD prohibits discrimination in all public places. The Court also noted that under New Jersey law, it would be unjust to place a more difficult burden on students than on employees. The Court emphasized the state’s strong interest in protecting students, and stated, “students in the classroom are entitled to no less protection from unlawful discrimination and harassment than their adult counterparts in the workplace.”

Finally, the Court cautioned that in evaluating whether a school district’s response was reasonably calculated to end the harassment, the fact-finder must employ a “fact-sensitive, case-by-case analysis” and consider the totality of the circumstances, including the students’ ages, school culture, frequency and duration of the conduct, severity of the harassment, history of harassment within the school district, and the effectiveness and timeliness of the school district’s response.

Note: In an analogous case, Porto v. Town of Tewksbury (2007 U.S. App. LEXIS 1244), the U.S. Court of Appeals for the First Circuit addressed whether a school system is liable under Title IX for student-on-student sexual harassment. In this case, the Plaintiff parents brought suit against the Town of Tewksbury alleging that the school system had been deliberately indifferent to the sexual harassment of their son by a classmate. The jury initially found in favor of the plaintiffs, and Tewksbury appealed. The First Circuit cited the U.S. Supreme Court decision in Davis v. Monroe County Bd. of Educ., 526 U.S. 629, 648 (1999) and noted that a school system is deliberately indifferent to student-on-student harassment only when “the recipient’s response to the harassment or lack thereof is clearly unreasonable in light of the known circumstances.” The Court further noted that “deliberate indifference is ‘a stringent standard of fault, requiring proof that a municipal actor disregarded a known or obvious consequence of his action or inaction.’” Bd. of the County Comm’n’s v. Brown, 520 U.S. 397, 410 (1997). Based on these standards, the First Circuit held that the Plaintiffs failed to prove the school system acted with deliberate indifference in failing to address the sexual harassment of their son.

Dependency / ICWA


At the age of two, Vincent was taken into custody by the County Human Resources Agency and placed with a non-Indian foster family. Vincent’s mother had a long history of heroin abuse, and she had lost custody of her previous four children. At the time of Vincent’s removal, he was living in a residential substance abuse treatment program with mother, and his father was in prison. Mother immediately notified the Department of her Indian heritage. However, improper notice by the Department and delayed responses from the tribes prolonged a determination as to whether Vincent qualified as an Indian child under the Indian Child Welfare Act (ICWA).

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The issue of tribal enrollment was finally settled when the Bureau of Indian Affairs (BIA) certified that Vincent was a member of the Turtle Mountain Chippewa tribe. Mother then filed documents with the juvenile court on behalf of the Turtle Mountain tribe, indicating that the tribal court accepted jurisdiction over Vincent and sought to intervene in the proceedings and transfer jurisdiction to the tribal court. By this time, Vincent had been living with his foster parents for almost two years. The Department opposed the requests of the Turtle Mountain tribe, arguing that ICWA should not apply due to the “existing Indian family doctrine.”

The ICWA provides that when an Indian child is involved in foster care or termination proceedings, the state court must allow intervention by the tribe and favor transfer of jurisdiction to the tribal court when requested. Additionally, in termination proceedings ICWA requires proof beyond a reasonable doubt that custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. The existing Indian family doctrine interprets ICWA to apply only if the child is removed from an existing Indian environment. State courts, including the California Courts of Appeal, remain divided on its validity. One California court that has repeatedly upheld the doctrine’s validity is the Court of Appeal for the Second District. The Second District has held that ICWA does not apply unless the parents are of Indian descent and “maintain a significant social, cultural or political relationship with the tribe.” In re Bridget R., 49 Cal. Rptr. 2d 507, 530 (Ct. App. 1996). In cases where children are not being removed from an Indian home, the interests of the tribe often clash with the child’s need for stability. The Second District has held that in such cases, the child has a fundamental right to remain in a stable home and ICWA cannot be constitutionally applied when the biological parents lack a significant social, cultural, or political relationship with an Indian community.

In 1999, in order to prevent courts from applying the existing Indian family doctrine, the California Legislature enacted legislation stating that determination by an Indian tribe that a child is either (1) a member of an Indian tribe, or (2) eligible for membership in an Indian tribe, and the biological child of a member of an Indian tribe, “shall constitute significant political affiliation with the tribe and shall require the application of the federal Indian Child Welfare Act to the proceedings.” Despite this statute, the Court of Appeal for the Second District has continued to apply the existing Indian family doctrine, and the California Supreme Court has denied review.

In Vincent’s case, the juvenile court utilized the existing Indian family doctrine, avoided applying ICWA, and terminated parental rights. The juvenile court balanced the interest of the Turtle Mountain tribe against Vincent’s interest in maintaining his stable placement. It found that Vincent’s need for stability outweighed the tribe’s interest and determined it would violate Vincent’s constitutional rights and disregard his best interests to apply ICWA. Vincent’s parents appealed, claiming the court erred in applying...
the existing Indian family doctrine to preclude application of ICWA.

The California Court of Appeal, Sixth District, agreed with Vincent's parents, and held that both federal and state law require application of the ICWA whenever the proceedings involve an Indian child. The Court also rejected the existing Indian family doctrine and held that ICWA applies even when the child is not being removed from an Indian environment. The Court rejected the Second District's assertion that children have a federal constitutional right to remain in a stable home. It noted that the Second District relied on a California Supreme Court case which stated “children, too, have fundamental rights — including the fundamental right to be protected from neglect and to have a placement that is stable and permanent.” The Sixth District found this reliance misplaced and stressed that a fundamental interest or right does not necessarily equate to a federal constitutional right. The Court recognized that a child has a strong interest in remaining in a stable home, but was clear that no federal constitutional basis exists for such a right. Therefore, the order terminating parental rights was reversed.

**NACC Amicus Curiae Update**

_in the Matter of Brian (a/k/a Mariah) L., New York Appellate Division._ The NACC joined with Children's Law Center of Los Angeles, The Youth Law Center, and others in filing an _amicus curiae_ brief urging that state / county welfare agencies have a legal duty to pay for all medically necessary treatment for foster children, regardless of whether such treatment is covered under Medicaid.

In this case, New York City's Administration for Children's Services (ACS) appealed the Family Court's order directing ACS to pay for sex reassignment surgery for a transgender individual — Mariah L. — who was in foster care at the time she requested the surgery. Mariah is presently age 21, and suffers from gender identity disorder [GID]. Mariah has been transgendered since she was a young adolescent, and ACS has paid for hormone treatments and electrolysis since age 13. This is the second time the Family Court has ordered ACS to pay for Mariah's surgery. Previously, the Appellate Division remanded the matter to allow ACS to more clearly articulate its reasons for denying the surgery. ACS offered no new information, and the Family Court re-ordered the surgery. All four medical experts to whom ACS referred Mariah agreed that this surgery is medically necessary.

ACS argued that its _parens patriae_ relationship to Mariah stops short of taking financial responsibility for Mariah's surgery. They offered an affidavit from a child welfare administrator as the sole evidentiary basis for their two claims: (1) that the surgery is risky and experimental, and (2) that Mariah is not an appropriate candidate for this surgery. ACS also argued that its legal duty to provide medical care to foster children is limited to the range of services covered by New York's Medicaid program.

_Amici_ urged that under both constitutional and statutory law, ACS has a duty to provide Mariah, a foster child in their care, with comprehensive, necessary medical care. ACS's position, if accepted, would be detrimental not only to Mariah but to countless other foster children.

_in re Athena H. et al., California Supreme Court._ The NACC joined the Northern California Association of Children in filing an amicus letter urging the California Supreme Court to grant review in order to determine important questions of law regarding the statutory and constitutional rights of dependent children to effective representation.

In this case, two children, Athena and Israel (now ages 9 and 5), were removed from their home in 2004 pursuant to a dependency petition filed by the Department. The children were initially placed with their grandmother; however, they were later removed and placed first in a foster home and then with an aunt and uncle. In August 2005, parental rights were terminated. The Respondent Mother and the grandmother appealed. The minors filed a petition for writ of habeas corpus asserting that their appointed counsel was ineffective throughout the process and thereby deprived them of their constitutional and statutory rights to effective assistance of counsel. The attorney failed to meet with either client, recommended removal from the grandmother without any investigation, and did not allow Athena to speak with the court (despite her expressed wishes to come to do so). The Court of Appeal stated, “As far as we can tell from the record, [the children's attorney] completely failed to investigate his clients’ wishes and advocate them to the court.” Despite this, the court denied the minor’s habeas petition, stating that although the attorney’s performance fell below the standard of care, it was not prejudicial to the minors.

The NACC urged that review should be granted (1) To make clear that dependent children who make a prima facie showing of prejudice from the ineffectiveness of trial counsel have a right to an evidentiary hearing in the trial court and appointment of new, competent counsel in future proceedings in that court, and (2) To establish that a minor has both a statutory and constitutional right to competent counsel.” The NACC suggested that the court’s conclusion that the lawyer’s omissions did not prejudice the children “is tantamount to saying that appointing counsel for children is merely a formality; it doesn’t really matter how poorly counsel performs.”

Thank you to attorney Donna Wickham Furth for drafting and filing the amicus letter.
Federal Budget/ Appropriations for FY 2008
On February 5, 2007, President Bush submitted his proposed FY 2008 Budget to Congress. It included another proposal for a “state option” block grant for foster care that would result in a foster care funding cap for states (similar to prior years’ budget proposals). The budget included stagnant or slightly declining funding for most programs relevant to court-involved children and families, except for a deep cut in the Social Services Block Grant (cutting $500 million, to take the program from $1.7 billion to $1.2 billion). There was one modest increase ($10 million) proposed for the Child Abuse Prevention and Treatment Act discretionary grants funding, to support new funding for nurse home visitation, shown by research to be effective at cutting child abuse and neglect among at risk families, and reducing later crime. The House Appropriations Subcommittee on Labor/Health and Human Services/Education adopted an FY08 spending bill on June 7, 2007 that rejected the proposed cut in SSBG, but included the $10 million increase in CAPTA discretionary grants. For most other child welfare programs, the bill largely kept FY08 funding at the FY07 levels (e.g., Promoting Safe and Stable Families, Independent Living Vouchers, etc.). Head Start and Child Care funding got a modest $75 million increase for each, and 21st Century Community Learning Centers (after-school) got a $125 million increase.

Once again, this year, the Administration proposed large cuts in the area of juvenile justice and delinquency prevention, though there was a new twist this year: the proposed elimination of all of the current juvenile justice and delinquency prevention and juvenile accountability program funding, and replacement of those programs with a proposed new “Child Safety and Juvenile Justice” block grant, along with a 25% cut from last year’s juvenile justice funding levels. Given the new leadership in Congress, it is unlikely that most of the President’s budget proposals will be enacted.

Head Start Reauthorization
On 2/14/07, the Senate Committee on Health, Education, Labor and Pensions marked up S. 556, the “Head Start for School Readiness Act”, a bill to reauthorize the Head Start early education program for disadvantaged kids. S. 556 is now awaiting Senate floor action, which may occur in the near future. The House passed their Head Start reauthorization bill — H.R. 1429 — by a vote of 365-48 on May 2nd. The House-passed and Senate HELP-reported legislation includes a variety of program improvements, including some language to improve Head Start access for foster children. Thankfully, the bill does not include state block grants with inadequate quality standards, which had been in a previous House-passed bill (that bill never got enacted).

Offender Reentry Legislation
On March 28, 2007, the House Judiciary Committee marked up the bi-partisan Second Chance Act of 2007, H.R. 1593. The bill is expected to be considered on the floor of the House of Representatives in the near future. S. 1060, the bi-partisan Senate version of the Second Chance Act of 2007, was introduced on 3/29/07, and is awaiting action in the Senate Judiciary Committee.

Gangs Legislation
On 1/31/07, Senators Feinstein, Hatch, et al. introduced S. 456, the latest version of their “gangs bill”. This bill includes mandatory minimums and other enhanced penalties, and increased federalization of gang crime, although the bill no longer has the previously-included section providing for expanded prosecution of juveniles as adults in federal court. Companion legislation in the House, H.R. 1582, was introduced on 3/20/07 by Rep. Schiff et al. No markup of either bill is scheduled at this time.

Indian Child Protection and Family Violence Prevention
On 1/25/07, S. 398, a bill to amend the Indian Child Protection and Family Violence Prevention Act, was introduced. Among other things, this legislation requires that reports on tribal-related child abuse allegations include information on any federal, state or tribal final conviction, and that these reports be transmitted to and kept by the FBI. The full Senate passed this bill on May 25, 2007. No House action has occurred yet.

Safe Babies Act
On March 15, 2007, the Senate Judiciary Committee marked up S. 627, the Safe Babies Act. The bill would amend the federal Juvenile Justice and Delinquency Prevention Act to create a National Court Teams Resource Center and to assist local court teams to more effectively address the needs of maltreated infants and toddlers. No Senate floor action has occurred, yet. H.R. 1082, the House version, was intro-
Children’s Law News

News
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Join the NACC Children’s Law Listserv Information Exchange. All NACC members are encouraged to become part of the NACC Listserv which provides a question, answer and discussion format for a variety of children’s law issues. To join, simply send an e-mail to advocate@NACCchildlaw.org and say “Please add me to the NACC Listserv.”

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NACC Child Welfare Law Office Guidebook: Best Practice Guidelines for Organizational Legal Representation of Children in Abuse, Neglect, and Dependency Cases (The Blue Book). Created as part of the NACC Children’s Law Office Project (CLOP), the Blue Book is a collection of 33 best practice guidelines intended to move child welfare law offices toward model practice. It is organized by three areas of operation: administration, development, and produced 2/15/07, but no action on the bill has been scheduled.

Other Relevant Bills Introduced, But No Further Action Yet
• On 1/24/07, H.R. 687 (Rep. Ramstad) and S. 382 (Sen. Collins) were introduced as the Keeping Families Together Act — legislation to provide modest funding to support efforts to end the practice of parents giving legal custody of their seriously emotionally disturbed children to state agencies (child welfare or juvenile justice), for the purposes of obtaining mental health services for those children. No further action has been scheduled.

• On 2/16/07, Sen. Bond and Sen. Clinton introduced S. 667, the Education Begins at Home Act, which would authorize $500 million in new federal funding for early childhood home visiting (some models of such parent coaching have demonstrated significant impact on the prevention of child abuse and neglect, and later delinquency). The House Education Reform Subcommittee held an excellent hearing on this legislation in the last Congress (on 9/27/06). On 5/16/07, Rep. Danny Davis and Rep. Todd Platts introduced the House version of the legislation, H.R. 2343. No action on this legislation has yet been scheduled in this Congress.

For further information on any federal legislation (including copies of bills, copies of committee reports, floor votes, etc.), visit Thomas.loc.gov.

Why Have Child Maltreatment and Child Victimization Declined?, by David Finkelhor and Lisa Jones. Overall rates of child maltreatment and child victimization, with the exception of neglect, have declined since the mid 1990s. A recent study examined this decline to determine whether the trends reflect a true decline in child maltreatment rather than statistical anomalies, explore why the rates of neglect are not consistent with other indicators, and suggest further areas of research for the development of public policy. The study was published in the Journal of Social Issues, Volume 62(4), and is available for free download from the Crimes Against Children Research Center website: www.unh.edu/ccrc/pdf/CV137J.pdf.
program. Within these categories are guidelines and commentary developed by the CLOP staff and advisory board to promote best practices in the delivery of legal services to children. Limited numbers of hard copies are available for $20 each by contacting the NACC. The searchable electronic version is available at no charge at www.naccchildlaw.org/about/nclop.html.

The Specialized Practice of Juvenile Law: Model Practice in Model Offices, the 2006 Edition of the NACC Children's Law Manual Series is now available for purchase. Copies may be ordered from the NACC by calling toll free 1-888-828-NACC, using the Publications Order Form in this issue, or online at www.naccchildlaw.org/training/manuals.html.

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Arizona

The Arizona Association of Counsel for Children (AACC) is looking for new officers and trustees. Please contact Ann Haralambie at: Ann.Haralambie@azbar.org.

Georgia

The NACC is coming to Georgia! The NACC 2008 National Conference will be held at the Hyatt Riverfront in Savannah, GA, August 3–6, 2008. For more information on local planning and coordination efforts, contact the Georgia Association of Counsel for Children (GACC), Executive Director, Jane Okrasinski at jane.okrasinski@gmail.com.

Northern California

The Northern California Association of Counsel for Children (NCACC) recently approved a proposal to include the Sacramento, CA region as a section of NCACC in order to expand training and policy work there. Contact Robert Wilson for more information at rwilson@sacchildadv.com. NCACC is also pleased to announce that it will sponsor the closing session at this year’s national NACC conference. Please contact Jan Sherwood for more NCACC information at jsherwood@mac.com.

Affiliate News

NACC affiliates help fulfill the mission of the national association while providing members the opportunity to be more directly and effectively involved on the local level. If you are interested in participating in NACC activities on the local level, or simply want contact with other child advocates, please contact the NACC and we will put you in touch with an affiliate in your area or work with you to form one. Affiliate development materials and a current list of affiliates with contact information are available on our website at www.NACCchildlaw.org/about/affiliates.html.
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<td>James Hastie</td>
<td>Kosair Children’s Hospital</td>
<td>Janet Sherwood, CWLS</td>
<td>and Emergency Pediatrics</td>
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<tr>
<td>Donald Duquette</td>
<td>Katherine Holliday</td>
<td>H.D. Kirkpatrick</td>
<td>Theresa Spahn</td>
<td>and EMS</td>
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